IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Crl.Rev.Pet.No. 497 of 1998()

CRA.163/1996 of ADDL.SESSIONS COURT, KOZHIKODE
ST.426/1995 of CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE

.....

REVN. PETITIONER:

K.M.K.THANGAL,
TRAVEL AGENT, THAZHAKODE P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

M/S. P.L. WORRLDWAYS LTD.,
SEEMA TOWERS, MAVOOR ROAD JUNCTION,
KOZHIKODE, REPRESETED BY MANAGER,
K.T. SOMANATH.

BY P.P. SRI AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO.2621/98 IN CRL.R.P.NO.497/98
DISMISSED.

3-4-2007. SD/- K.R.UDAYABHANU, JUDGE.

//TRUE COPY//

K.R.UDAYABHANU, J.

CRL.R.P.NO. 497 of 1998

Dated this the 3rd day of April, 2007

ORDER

The revision petitioner stands convicted for the offence under section 138 N.I.Act and sentenced to undergo simple imprisonment for three months. The case of the complainant is that the revision petitioner/accused, a travel agent, issued the cheque for purchase of tickets on credit basis and that the cheque issued for a sum of Rs.10,530/- when presented for encashment was dishonoured for want of sufficient funds in the account. There was no response to the lawyer notice demanding payment. The contention of the revision petitioner before the courts below that the complaint is not maintainable for want of power of attorney empowering the manager of the complainant firm to file the complaint was rightly rejected by the courts below. The complaint has been filed by the firm represented by the Manager. I find that no reply notice has been issued nor was any evidence adduced at the instance of the accused. The statutory presumptions stand unrebutted. In the circumstances, I find no reason to interfere in the finding of the courts below. The conviction is confirmed.

2. Considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of he court and to pay a compensation of Rs.20,000/- vide section 357(3) and in default, to undergo simple imprisonment for three months. The revision petitioner is granted one month's time from today onwards to remit the amount.

The revision petitioner shall appear before the Chief Judicial Magistrate, Kozhikode on 18-5-2007 to receive the sentence.

The Crl.R.P.is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

kvm/-

K.R.UDAYABHANU, J.

CRL.R.P. NO. 497/1998.

ORDER

3-4-2007.